

2-11-02

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
2789/6/US

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**Co-Administration of Interleukin-3 Mutant Polypeptides with CSF's For Multi-Lineage Hematopoietic Cell Production**

and invented by:

S. Christopher Bauer  
Mark A. Abrams  
Sarah R. Braford-Goldberg  
Maire H. CaparonAlan M. Easton  
Barbara K. Klein  
John P. McKearn  
Peter O. OlinsKumnan Paik  
John W. ThomasIf a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: 08/446,871

Which is a:

☐ **Continuation** ☐ **Divisional** ☒ **Continuation-in-part (CIP)** of prior application No.: 08/193,373

Which is a:

☐ **Continuation** ☐ **Divisional** ☒ **Continuation-in-part (CIP)** of prior application No.: PCT/US93/11197

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 292 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal                      Number of Sheets 4
- b. ☐ Informal                      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)                      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche (Appendix)
7. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy (identical to computer copy)
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement/PTO-1449                      ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class                      ☒ Express Mail (Specify Label No.): EF 192451165 US

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2789/6/US

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**Accompanying Application Parts (Continued)**15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*16. ☐ Additional Enclosures *(please identify below):***Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
2789/6/US

Total Pages in this Submission

10/072571  
10/07/02  
U.S. PRO

**Fee Calculation and Transmittal**

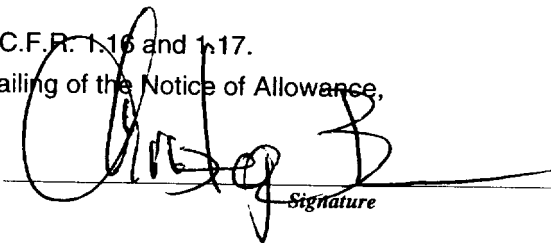
**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	12	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$740.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **19-1025** as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of **\$740.00** as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Dated:

02/08/02

  
Signature

cc:

SCANNED, # 12

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): <b>Bauer et al.</b>			Docket No. <b>2789/6/US</b>	
Serial No. <b>Not Assigned</b>	Filing Date <b>02/08/02</b>	Examiner <b>Not Assigned</b>	Group Art Unit <b>Not Assigned</b>	
Invention: <b>Co-Administration of Interleukin-3 Mutant Polypeptides with CSFs For Multi-Lineage Hematopoietic Cell Production</b>				
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <b>New Application, Utility Patent Application Transmittal, Assignment Cover Sheet &amp; Assignment, Declaration &amp; Power of Attorney, Preliminary Amendment, IDS, Form 1449, Statement Under 37 CFR 1.821f, CRC Sequence Listing, Paper Copy of Sequence Listing</b> </div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on</p> <p style="text-align: center;"> <u>02/08/02</u>  <i>(Date)</i> </p> <div style="text-align: right; margin-top: 20px;"> <p><b>Michelle R. Harber</b>  <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p>   <i>(Signature of Person Mailing Correspondence)</i> </div> <div style="text-align: right; margin-top: 10px;"> <p><b>EF 192451165 US</b>  <i>("Express Mail" Mailing Label Number)</i> </p> </div>				
<p><b>Note: Each paper must have its own certificate of mailing.</b></p>				

PATENT

Case 2789/6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

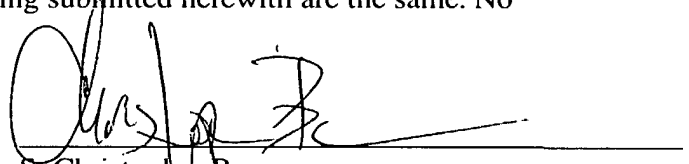
IN RE APPLICATION OF: |  
S. C. Bauer et al. | GROUP ART UNIT: Not Assigned  
SERIAL NUMBER: Not Assigned | EXAMINER: Not Assigned  
FILED: February 8, 2002 | DATE: February 8, 2002  
TITLE: Co-Administration of Interleukin-3 Mutant Polypeptides with CSFs For Multi-Lineage Hematopoietic Cell Production

**STATEMENT UNDER 37 C.F.R. § 1.821(f)**

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

This will confirm that the content of the substitute paper copy and the substitute computer readable copy of the Sequence Listing submitted herewith are the same. No new matter has been added.



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